

## **APPENDIX O**

Deposition of Joe Hune - 8/22/2018

League of Women Voters of Michigan, et al. v. Ruth Johnson, Secretary of the State of Michigan

Page 110

1 then the next line says "And he said it with a  
2 straight face."  
3 What do you understand that to mean?  
4 **A I have no idea. I don't even know who wrote it.**  
5 Q Okay. Well, as you read it here today, what do you  
6 understand the implication to be?  
7 **A Well, I said earlier I'm an awful jovial fellow,**  
8 **and I'm always smiling, so maybe that's it.**  
9 Q Okay. You can put that one aside.  
10 What discussions have you had with Thad  
11 McCotter about the Apol standards?  
12 And you rolled your eyes. Why did you do  
13 that?  
14 **A I don't know Thad well, but if you ever talked to**  
15 **him, he's always the smartest man in the room.**  
16 Q Okay. So that answers the question why you rolled  
17 your eyes.  
18 What discussions did you have with him  
19 about the Apol standards?  
20 **A I don't recall any specifics. I believe I chatted**  
21 **with the congressman once on the issue.**  
22 Q What do you recall about that conversation?  
23 **A He was more interested in talking about labor law.**  
24 **The most bizarre fellow you could probably ever**  
25 **meet.**

Page 112

1 quote, wide discretion in lines, close quote?  
2 **A My testimony has been just contrary to that all**  
3 **day.**  
4 Q Okay. So it's fair to say that you and he have a  
5 fundamental disagreement about the Apol criteria  
6 and what they do or do not allow?  
7 **A Absolutely.**  
8 Q Okay. The last sentence of his email is "You may  
9 need to help educate them before they say too many  
10 regrettable things publicly."  
11 Did anyone ever talk to you about the way  
12 that you spoke about Apol criteria?  
13 **A I don't think so.**  
14 MR. KELLEY: Okay. You can put that one  
15 aside.  
16 Let's take a quick break if it's okay.  
17 MR. HANSELMAN: Yeah.  
18 (Break taken at 1:45 p.m.)  
19 (Break concluded at 1:56 p.m.)  
20 Q (MR. KELLEY) Senator, we're back from a quick  
21 break. You understand you're still under oath?  
22 **A Yes.**  
23 Q The process for actually drawing the maps that came  
24 out of the 2011 redistricting effort, I believe you  
25 testified earlier that it was Mr. Marquardt who did

Page 111

1 Q But what do you recall about your conversation with  
2 him about Apol criteria?  
3 **A I don't recall any specifics.**  
4 **(Deposition Exhibit Number 255**  
5 **was marked for identification.)**  
6 Q (MR. KELLEY) Okay. I'm going to hand you a  
7 document that's been marked as Exhibit 255 which  
8 has a Bates number Timmer000747. Take a look at  
9 that -- and you're not on this email, so don't look  
10 for your email address -- but I'm going to ask you  
11 some questions about what Mr. McCotter had to say.  
12 Have you seen this document before?  
13 **A I don't think so.**  
14 Q Have you ever talked with Mr. LaBrant about Apol  
15 criteria?  
16 **A Sure.**  
17 Q Okay. Specifically with reference to what  
18 Mr. McCotter is referencing in this email, have you  
19 talked to Mr. LaBrant about Apol criteria?  
20 **A I don't recall any specifics or anything.**  
21 Q Do you have an understanding of what Mr. McCotter  
22 was referencing when he said "the left's BS line on  
23 Apol"? Do you have any idea what that means?  
24 **A No.**  
25 Q Do you agree with Mr. McCotter that there is,

Page 113

1 the bulk of that work to draw the maps. Is that  
2 correct?  
3 **A Correct.**  
4 Q When did that effort begin? Do you know when he  
5 began working on the maps?  
6 **A I don't.**  
7 Q From my review of some of the documents, it appears  
8 that it may have begun around the time that the  
9 census data were delivered. Is that generally  
10 consistent with your recollection?  
11 **A Sure.**  
12 Q It's not inconsistent with your recollection?  
13 **A Correct.**  
14 Q Okay. I'm going to show you a document that will  
15 be marked as Exhibit 256.  
16 (Deposition Exhibit Number 256  
17 was marked for identification.)  
18 Q (MR. KELLEY) Document 256 has a Bates number of  
19 SENATE0006121. Just take a moment, please, and  
20 review that document, and let me know when you've  
21 had a chance to do so.  
22 **A Okay.**  
23 Q First of all, do you have any recollection of  
24 seeing this email before?  
25 **A Vague.**

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League of Women Voters of Michigan, et al. v. Ruth Johnson, Secretary of the State of Michigan

Page 162

1 Q Okay. What do you recall about the content of that  
2 hearing, specifically about Mr. Gordon's testimony?  
3 **A I remember seeing Gary. Of course, this was seven**  
4 **years ago. I remember seeing Gary. I don't**  
5 **remember the content, details of the content.**  
6 Q What was the purpose of Mr. Gordon testifying at  
7 the hearing about the Apol criteria?  
8 **A To discuss the standards we have in place.**  
9 Q This is just a yes or no question. Yes or no: You  
10 were receiving legal advice about the application  
11 of the Apol criteria to the maps that were being  
12 drawn in the 2011 redistricting process, correct?  
13 Well, yes or no?  
14 **A I don't know if you can call that legal advice**  
15 **when -- because he's an attorney but testifies in**  
16 **front of a committee, gives you a dissertation,**  
17 **some --**  
18 Q That's fair. I asked a bad question.  
19 Not speaking about the hearing in  
20 particular, at these, for example, at the Dickinson  
21 Wright meetings where Mr. Ellsworth and Mr. Stuckey  
22 were present, you from time to time received legal  
23 advice about the application of the Apol standards  
24 to the maps that were being drawn, correct?  
25 MR. SHANNON: I'm going to object on the

Page 164

1 **standards.**  
2 Q So is that part of the building a record that we  
3 talked about?  
4 **A I'm not sure what you're referring to.**  
5 Q Exhibit 259, which is LEGR005291, there's a  
6 handwritten notation to, in the upper right-hand  
7 corner, building a record.  
8 **A I think it's building a record and informing and**  
9 **educating my committee members and educating the**  
10 **public.**  
11 Q Okay. Back to Exhibit 261. Next to Number 2,  
12 which is "database status update and political  
13 data," there's some handwritten notations including  
14 "Do it right - not fast."  
15 Do you recall being at a meeting in which  
16 that message was conveyed, do it right, not fast?  
17 MR. SHANNON: I'm going to object on the  
18 basis of attorney-client privilege and instruct my  
19 client not to answer to the extent the meeting  
20 involved attorneys and was for the purpose of  
21 seeking legal advice.  
22 Q (MR. KELLEY) Well, let's just break it down.  
23 Did you ever receive that message, "Do it  
24 right, not fast," in connection with the  
25 redistricting process?

Page 163

1 basis of attorney-client privilege and instruct my  
2 client not to answer.  
3 MR. KELLEY: I mean, that would appear on  
4 a privilege log, right, communication about Apol  
5 standards?  
6 MR. SHANNON: But you asked the follow-up  
7 which was application to the maps at issue.  
8 MR. KELLEY: Well, they don't apply in a  
9 vacuum.  
10 MR. SHANNON: But you're asking a more  
11 specific question here.  
12 MR. KELLEY: Okay.  
13 Q (MR. KELLEY) Did you receive legal advice about the  
14 Apol criteria at any of these Dickinson Wright  
15 meetings?  
16 MR. KELLEY: Can he . . . ?  
17 MR. SHANNON: (Moves head up and down.)  
18 THE WITNESS: Yes.  
19 Q (MR. KELLEY) Okay. So if you were receiving legal  
20 advice in private at these Dickinson Wright  
21 meetings, then why did you need Mr. Gordon to speak  
22 at the hearing about the Apol criteria?  
23 **A We had multiple members on the Redistricting**  
24 **Committee, and the public needed to be educated as**  
25 **well that needed to be informed of the Apol**

Page 165

1 MR. HUGHES: Object to the extent that an  
2 attorney -- that it was advice from an attorney in  
3 a meeting, subject to attorney-client privilege.  
4 MR. KELLEY: Yeah, but we need --  
5 MR. HUGHES: Breaking it down does not --  
6 MR. KELLEY: We need to determine whether  
7 an attorney was there, and you're not letting him  
8 answer the question to get to whether an attorney  
9 was there.  
10 If he had -- I mean, we disagree the mere  
11 presence of an attorney cloaks the entire  
12 conversation with privilege, but accepting that for  
13 the moment, we need to decide whether a lawyer was  
14 there or not, right? So, I mean, he needs to be  
15 able to answer that question, does he not?  
16 MR. HUGHES: He can answer to the extent  
17 that it does not involve a communication subject to  
18 the attorney-client privilege.  
19 MR. KELLEY: And a yes or no answer won't  
20 involve a communication that's subject to the  
21 attorney-client privilege.  
22 MR. SHANNON: It may well. So to the  
23 extent it involved an attorney-client privilege, my  
24 instruction is not to answer. To the extent that  
25 it did not, then the instruction is you may answer